

S. B. C. W. P. NO.3127/2001
(The State of Rajasthan & Anr. Vs. Geesa Lal & Anr.)

DATE OF ORDER : 03.08.2004

HON'BLE SHRI N.P.GUPTA,J.

Mr.L.R.Upadhyay Dy.G.A. for the petitioner.
Mr.Manish Shishodia for the respondent.

The matter comes up for consideration of stay application. In the stay application, the prayer made is that pending disposal of the writ petition, the operation of the impugned order dt. 1.6.98 (Annexure-3) may be stayed. Learned counsel was asked, as to what is the order Annexure-3, then learned counsel invited the attention of the Court to Annexure-3. It transpires that there is no Annexure-3 in the file, inasmuch as, Annexure-3 appears to be the judgment of the learned Board of Revenue dt. 1.6.98, and the copy produced is only first two pages thereof, ending with para 7, and having the first line of para 8 only. Even in the typed copy of this document, only this much part has been supplied leaving half page space blank on page 4 of the typed copy. Thus, it is clear that the petitioners have not produced Annexure-3, even in the extra set of paper book, also the things are no better. In these circumstances, in absence of the impugned order, to say the least, the writ petition itself is not maintainable, and is required to be dismissed as such.

Accordingly, the writ petition itself is dismissed as not properly constituted.

Before parting with the case it may be noticed that notwithstanding Annexure-3, being not complete, the writ petition was passed by the Stamp Reporter Section, and was listed in the Court for admission. This is a serious lapse on the part of the Stamp Reporter. The Dy.Registrar (Judl.) is, therefore, directed to look into the matter appropriately, and take departmental action against the erring reporter, and report the out come to the Court.

Put up for the report of the Dy.Registrar (Judl.) on 11.10.2004.

(N.P.GUPTA),J.